

NORTH CAROLINA  
EDGECOMBE COUNTY

FILED  
2014 OCT -1 P 4: 03

James Joyner, and  
Thomas Everette, Jr.                       
Plaintiff(s)

VS.

James Poole, and  
Thomas W. King  
Defendant(s)

FILED  
NOV 3 2014  
JULIE A. RICHARDS, CLERK  
BY UKF  
DISTRICT COURT, EDNC  
DEP CLK  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 14CVS 809

VERIFIED CLAIM

FILED  
MAR 13 2015  
JULIE RICHARDS JOHNSTON, CLERK  
BY KVI  
US DISTRICT COURT, EDNC  
DEP CLK

NOW COMES, James Joyner ("Joyner") and Thomas Everette, Jr ("Everette") (Collectively) Referred to as the ("Plaintiff") the undersigned and complaining of Defendants, alleges and Says the following.

1. Plaintiff ("Joyner") is currently a Citizen and residents of Edgecombe County, North Carolina.
2. Plaintiff ("Everette") is now being housed at Hyde Correctional Institution.
3. Defendant James Poole is upon information and belief, currently a Citizen and resident of Edgecombe County, North Carolina.
4. Defendant Thomas W. King is upon information and belief, currently a Citizen and resident of Nash County, North Carolina.
5. This action concerns real property situated in Edgecombe County, North Carolina. This court has subject matter Jurisdiction over the issues raised in this claim, In rem Jurisdiction over the subject property, and personal jurisdiction over all the parties. Venue is proper in Edgecombe County, North Carolina, Superior Court.
6. This action concerns a certain parcel of real property (the "Subject Property") situated at 5841 U.S. 64 Alt West Tarboro, Edgecombe County, North Carolina which is further described is marked Exhibit A, attached hereto, and incorporated herein by reference.

7. Plaintiff ("Everette") acquired title to the Subject Property by virtue of a DEED recorded of March 31, 2006 in Book 1460 Page 0472-0475, Edgecombe County Registry ("DEED"). An accurate and complete copy of the Deed is marked Exhibit B, attached hereto, and incorporated herein by reference.
8. Common Law Lien was recorded by virtue of Plaintiff's ("Joyner") and ("Everette") had legal title and possession. Common law liens are liens at law supersede any and all mortgages and equity lines. Common law lien is made to secure rights pursuant to the First, Fourth, Fifth, Ninth and Tenth Amendments to the United States Constitution and North Carolina Constitution. An accurate and complete copy of the "NOTICE" of the (LIEN) recorded on December, 2010 in Book 1561 Page 778-780, Edgecombe County Registry is marked Exhibit C, attached hereto, and incorporated herein by reference.
9. Upon information and belief, in late 2010 Defendant Thomas W. King act under the color of State law deprived plaintiff of their right under the Constitution and laws of the United States as well as North Carolina, fraudulently acquire title and possession of the Subject Property by:
10. Forgery: Fraudulent "Making or altering of a writing with the intent to prejudice the rights of another."
11. Trespass: At common law, a form of action instituted to recover damages for any unlawful injury to the Plaintiff's person, "Property", or rights involving immediate Force or Violence, 235 S.W. 2d 531, 532; also used today to Signify the violent act itself that causes such an injury, 266 A2d 175,180. In modern parlance, the term most often connotes a "wrongful interference with or disturbance of "Possession" of property," as well as to "Realty" 287 S.W. 2d 202; 204.
12. Fraud: Intentional deception resulting in "injury" to another. Elements of fraud are: a false and material misrepresentation made by one who either knows it is falsity or is ignorant of its truth; the maker's intents that the representation be relied on by the person and in a manner reasonably contemplated; the person's ignorance of falsity of the representation; the person's rightful or justified reliance, and proximate injury to the person. See 310F.2d 262, 267. It "usually consists of a misrepresentation, concealment, or nondisclosure of a material fact; or at least misleading conduct, deceives, or contrivance "234 F. Supp 20, 203. It embraces all "multifarious" means which human ingenuity can devise to get an advantage over another. It includes all surprise, trick, cunning, dissembling and unfair ways by which another is cheated. A "Law" fraud must be proved in "equity" it suffices to show facts and circumstances from which it may be presumed.
13. Upon information and belief the Forgery, Trespass and Fraud occurred on or around December 17, 2010 Defendant Thomas W. King Fraudulently executed and recorded a document purporting to be a "SUBSTITUTE TRUSTEE'S DEED" for the Subject Property convey from

Plaintiff's to MECHANICS AND FARMERS BANK in Book 1562, Page 62-66, Edgecombe County Registry. An accurate and complete copy of the purported Deed is marked Exhibit D, attached hereto, and incorporated herein by reference. Where is-fact the Plaintiff had all legal title and possession without Satisfying all "SUPERIOR LIENS", - (Common Law Lien See Exhibit C).

14. Common law liens in the amount \$1,000,000.00 (One Million Dollars) rightfully recorded in the Public Records Book 1561 Page 778-80 in the Edgecombe County Register of Deed see Exhibit C.
15. Upon information and belief the Forgery, Trespass, and Fraud furtherance o or around April 29, 2011 Defendant Thomas W. King prepared, executed and recorded a document purporting to be a Deed for the Subject Property convey from MECHANICS AND FARMER BANK to Defendant James Poole in Book 1567 Page 5-8 Edgecombe County Registry. An accurate and complete copy of the purported Deed is marked Exhibit E, attached hereto; and incorporated herein by reference. "With the knowledge that said property was encumbered."
16. Plaintiffs secured a valid (lien) against the said property recorded in Deed Book 1561 Page 778-780 Edgecombe County Registry See Exhibit C.
17. Plaintiff secured a claim of lien and a judgment against Defendant James Poole and the said property. James Poole failure to cure this conflict, established the fact in the record of the defendant, James Poole acceptance agreement, general acquiescence, confessed judgment to the matter established upon defendant James Poole silence, his dishonor and default with admission and consent to common law lien upon said property is established on the record, is marked Exhibit F & G attached hereto, and incorporated herein by reference.
18. Defendant James Poole was notice and served depositing copy there of postpaid in post office of official depository under the exclusive care and custody of United State Postal service, in a wrapper, addressed to the defendant James Poole last known address, is marked Exhibit H, hereto and incorporated herein by reference.
19. The purported record owner of the real property is James Poole who is purported to – own – such real property upon which the lien is claimed. The "common law lien" is first in time and first in right, which has not been satisfy by Thomas W. King and/or James Poole.
20. Plaintiffs property has been trespass upon; the causal agent of the trespass, comes by way of its use of a forged instrument, the trespass did and does harm and injury to the plaintiff property, the commencement of the wrong and harm began on December 17, 2010 and the wrong and harm continues to this day.

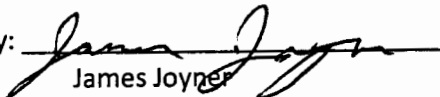
Claim for Relief  
Quiet Title /Declaratory Judgment


21. The allegations of paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.
22. Plaintiff(s) is the true owner of the Subject Property.
23. Defendant Thomas W. King have fraudulently usurp title and possession of the subject property from Plaintiff to Defendant James Poole.
24. Plaintiff is entitled to an order vacating the fraudulent documents recorded by Defendant Thomas W. King; declaring Plaintiff(s) to be the Joint "Owner" of the Subject Property; and awarding Plaintiff(s) its reasonable costs and attorney fee against Defendants.

WHEREFORE, Plaintiff(s) prays unto the court for relief as follows:

1. The Court enter an order quieting title to the subject property to Plaintiff(s) and declaring that Plaintiff(s) is the Joint owner of the subject property.
2. The Court enter an order the Plaintiff to be in possession of the subject property.
3. The Court enter an order vacating the fraudulent documents recorded by defendant Thomas W. King instructing the Edgecombe County Register of Deed to strike them from the Edgecombe County Register or Deeds index.
4. The Court award Plaintiff it reasonable attorney fee and cost pursuant to the North Carolina Declaratory Judgment Act, N.C. Gen Stat 1-253 et al.
5. For such other and further relief as the court deems necessary and proper.

This the 18<sup>th</sup> day of September, 2014.

By:   
James Joyner

By:   
Thomas Everette, Jr.

**VERIFICATION**

I, Thomas Everette, Jr. being first duly sworn, deposes and says that he is the Plaintiff herein and that he has the foregoing VERIFIED CLAIM, and the same is true of his own knowledge, except as to those matters and things stated upon information and belief, and as to those matter, he believes them to be true.

Thomas Everette, Jr.  
Thomas Everette, Jr.

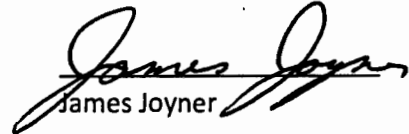
Sworn to and subscribed before me this 18<sup>th</sup> day of September, 2014

Mikhael Amelle-Bertrand (Seal)  
Notary Public

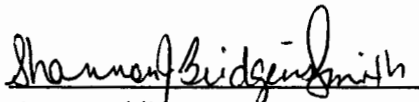
My Commission Expires February 18, 2019

**VERIFICATION**

I, James Joyner, being first dully sworn, deposes and says that he is the Plaintiff herein and that he has the foregoing VERIFIED CLAIM, and the same is true of his own knowledge, except as to those matters and things stated upon information and belief, and as to those matter, he believers them to be true.

  
James Joyner

Sworn to and subscribed before me this 26<sup>th</sup> day of September, 2014

 (Seal)  
Notary Public

My Commission Expires 10-7-17





## EXHIBIT A

### PARCEL ONE:

Beginning at an iron stake in the southern right-of-way line of U. S. Highway No. 64 leading from Tarboro to Rocky Mount, said stake being located South 89 degrees 15 minutes East 502.06 feet from the intersection of the southern right-of-way line of U. S. Highway No. 64 with the eastern right-of-way line of N. C. State Road No. 1216, running thence along the southern right-of-way line of U. S. Highway No. 64 South 89 degrees 15 minutes East 300 feet to an iron stake, cornering, thence South 0 degrees 40 minutes West 519.69 feet to a concrete monument in the boundary line between Philips and Clark, cornering, running thence along the boundary line between Philips and Clark North 61 degrees 06 minutes West 340 feet to an iron stake, cornering, thence North 0 degrees 36 minutes East 359.29 feet to the point of beginning, containing 3 acres, more or less, and being a portion of the woodland of the Hyman Farm.

LESS AND EXCEPT the following described parcel of land:

Beginning at an iron pipe set in the southern right of way line of the 60 foot right of way of U. S. Highway 64, said iron pipe being located 612.06 feet in an easterly direction along said southern right of way line of U. S. Highway 64 from its intersection with the eastern right of way line of State Road 1216, running thence along and with the southern right of way line of U. S. Highway 64 South 89 degrees 15 minutes East 190 feet to an iron pipe set, a corner with the property of H. H. Philips Jr., running thence along and with the Philips line South 0 degrees 40 minutes West 519.69 feet to an existing concrete monument, a corner with Philips and the property of Clifton J. Weeks, Jr., cornering; running thence along and with the Weeks line North 61 degrees 06 minutes West 194.47 feet to an iron pipe set, cornering; running thence North 1 degree 50 minutes West 428.38 feet to the point of beginning, and being a portion of the property conveyed from Henry Hyman Philips, Jr. et al to James A. Wooten, Jr. and wife, Sandra Byrd Wooten by deed recorded in Book 771, Page 165 of the Edgecombe County Public Registry, to which deed, and the instruments therein referred to, reference is hereby made for further and more particular description.

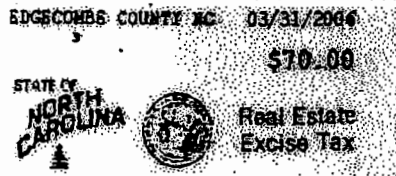
### PARCEL TWO:

Beginning at an iron stake in the southern right-of-way line of U. S. Highway No. 64 leading from Tarboro to Rocky Mount at the northwestern corner of the property conveyed to James A. Wooten, Jr. and wife, Sandra Byrd Wooten, by Henry Hyman Philips, Jr., et al., by deed recorded in Book 771, Page 165, Edgecombe Public Registry, said stake being located South 89 degrees 15 minutes East 502.06 feet from the intersection of the southern right-of-way line of U. S. Highway No. 64 with the eastern right-of-way line of N. C. State Road 1216, running thence along the Wooten

EXHIBIT

A

FILED  
 EDGECOMBE COUNTY NC  
 03/31/2006 11:24 AM  
 JUDY W. COLE  
 Register Of Deeds



*RC*  
 Register/Deputy/Asst.

*12/5  
20*  
**DEED**

**Prepared by: Robert Dale Pitt, Attorney at Law  
 P.O. Box 1032, Pinetops, NC 27864**

This deed prepared by Robert Dale Pitt, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

**NORTH CAROLINA**

**EDGECOMBE COUNTY**

**No Title Examination**

THIS DEED, made and entered into this 2<sup>nd</sup> day of February, 2006 by and between AMYAS L. PLAYER and wife, TRINA C. PLAYER, hereinafter called Grantor, and THOMAS EVERETTE and wife, TAMARA EVERETTE of PO Box 250, Tarboro, NC 27886, hereinafter called Grantee.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH: That Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant,





BOOK 1561 PAGE 0778

Doc ID: 002636290003 Type: CRP  
 Recorded: 12/08/2010 at 09:28:23 AM  
 Fee Amt: \$25.00 Page 1 of 3  
 EDGECOMBE COUNTY, NORTH CAROLINA  
 Robin V Carpenter Register of Deeds  
 BK 1561 PG 778-780

RC

## THIS IS A LEGAL INSTRUMENT (Common Law Lien)

## DEED

Tender Regarding Lands made this 6<sup>th</sup> day of December 2010 by GRANTEE

This document was prepared by: Malik Abdul Bey Trustee in care of T&amp;B Holding Trust

JAMES C. JOYNER  
 THOMAS EVERETTE, JR., Custodian  
 As equal tenants in common  
 5841 US 64 ALT.WEST  
 TARBORO, NORTH CAROLINA 27886

(Grantees) of  
 (Address)

Who does hereby agree to accept, as a tender of amends from:

Name (Grantors)

James C. Joyner,  
 Thomas Everette, Jr. Custodian  
 5841 US 64 ALT.West  
 Tarboro, North Carolina [27886]

(Address)

There is no consideration of \$1.00 lawful money of United States of America needed for the purposes of this instrument, to be paid to the Grantors in hand, nor need any such tender be made by the Grantees, at or before the sealing and delivery of these presents, the receipt whereof is not acknowledged, and the Grantors need not be fully satisfied, but by these presents can tender of amends, by settlement or conveyance unto Grantees forever.

All the certain piece, parcel or lot of land, with improvements thereon containing situated in the City of Tarboro, 01 Township, Edgecombe County, North Carolina, and more particularly described as follows:

## LEGAL DESCRIPTION:

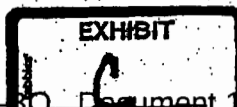
## PARCEL ONE

BEING all at an iron stake in the southern right-of-way line of U.S. Highway No. 64 leading from Tarboro to Rocky Mount, said stake being located South 89 degrees 15 minutes East 502.06 feet from the intersection of the southern right-of-way line of U.S. Highway No. 64 with the eastern right-of-way line of U.S. Highway no. 0 degrees 40 minutes West 519.69 feet to a concrete monument in the boundary line between Phillips and Clark North 61 degrees 06 minutes West 340 feet to an iron stake, cornering, thence North 0 degrees 36 minutes west 340 feet to an iron stake, cornering, thence North 0 degrees 36 minutes East 359.29 feet to the point of beginning, containing 3 acres, more or less, and being a portion of the woodland of the Hyman Farm.

LESS AND EXCEPT the following described parcel of land: Beginning at an iron pipe set in the southern right of way line of the 60 feet in the easterly direction along said southern right of way line of U.S. way line of U.S. Highway 64 from its intersection with the eastern right of way line of State Road 1216, running thence along and with the southern right of way line of U.S. Highway 64 south 80 degrees 15 minutes East 190 feet to an iron pipe set, a corner with the property of H.H. Phillips, running thence along and with the Phillips line South 0 degrees 40 minutes West 519.69 feet to an existing concrete monument, a corner with Phillips and the property of Clifton J. Weeks, Jr., concerning; running thence along and with the Weeks line North 1 degree 50 minutes West 428.38 feet to the point of beginning, and being a portion of the property conveyed from Henry Hyman Phillips, Jr. et al to James A. Wooten, Jr. and wife, Sandra Byrd Wooten by deed recorded in Book 771, Page 165 of the Edgecombe County Public Registry, to which deed, and the instruments therein referred to, reference is hereby made for further and more particular description.

## PARCEL TWO:

Beginning at an iron stake in the southern right-of-way line U.S. Highway No. 64 leading from Tarboro to Rocky Mount at the northwestern corner of the property conveyed to James A. Wooten, Jr. and wife, Sandra Byrd Wooten, by Henry Hyman Phillips, Jr., et al., by deed recorded in the Book 771, Page 165, Edgecombe Public Registry, said stake being located South 89 degrees 15 minutes East 502.06 feet from the intersection of the southern right-of-way line of Highway No. 64 with the eastern right-of-way line of N.C. State Road 1216, running thence line along the



Book: 1561 Page: 778 Ser: 1

Wooten line South 00 degrees 36 minutes West 359.29 feet to an iron stake at the northeastern corner of the property conveyed to Raymond D. Meiggs and wife, Bettye. Meiggs, by Clifton J. Weeks Jr. and wife by Deed recorded in book 886, Page 400, Edgecombe Public Registry, concerning; running thence along the line of Meiggs property North 61 degrees 10 minutes West 164.38 feet to an iron stake, concerning; thence North 00 degrees 36 minutes East 141.05 feet to an iron stake in a ditch, thence along the center of said ditch North 20 degrees 13 minutes East 87.10 feet and North 30 degrees 24 minutes East 67.39 feet to an iron stake in the southern right-of-way line of U.S. Highway No. 64 south 89 degrees 15 minutes East 82 feet to the point of beginning, and containing 0.98 acre according to the survey made by Staton & Association, Surveyors, and being a portion of the woodland of the Hyman Farm.

And BEING THE SAME LANDS conveyed Unto the said James C. Joyner and Thomas Everette Jr., Custodians, subject to the restriction s as contained in the Declaration of Protective Covenants dated March 31, 2008, recorded in the Book 1460 Page 0472, Edgecombe County Registry.

The aforesaid offer regarding a tender of amends is made to secure grantee's common law lien and give NOTICE to the world, the object of which action is to enable the GRANTEES to secure money damages and exercise Civil and Constitutional Rights. The particular property described will be subject to prosecution to satisfy judgment(s) in this action. The failure, refusal, or neglect of the Respondent to demand the Sheriff to convene said Common Law Court within five (5) days from the date of filing this instrument will be deemed to be "prima-facie" evidence of an admission of "waiver" to all their rights to the property described hereinafter. DEMAND is made upon all public officials under penalty not to modify or remove this lien in any manner. This lien is made to secure Rights pursuant to the First, Fourth, Fifth, Ninth and Tenth Amendments to the United States Constitution.

\*Common Law and Article 4, Section 4, liens at law supersede mortgages and equity liens, Drummond Carriage Co. V. Mills, (1898) 74 N.S. 966; Hewitt v. William, 47 La. Ann. 742; 17 So. 269; Carr v. Dall. 19 S.E. 234; McMahon v. Lundin. 58 N.W., 827, and may be satisfied only when a Court of Common Law is called to convene pursuant to order of the elected Sheriff under Amendment 7 of the Bill of Rights.

Such Common Law Court forbids, the presence of any Judge or Lawyer from participating or presiding, or the practice of any equity law. The ruling of the United States Supreme Court in Rich v. Braxton, 158 U.S. 375 specifically forbids Judges from invoking equity jurisdiction to remove common law liens or similar "Clouds of Title." Further even if a preponderance of evidence displays the lien to be void or voidable, the equity court still may not proceed until the moving party has proven that he asks for and comes "to equity" with "clean hands". Price v. Constock 121 Fed 620; West v. Washburn, 138 NY Supp. Any official who attempts to modify or remove this Common Law Lien is fully liable for damages, U.S. Supreme Court, Butz v. Economou, US, 98 S. Ct. 2894; Bell v. Hood, 327 US 678; Belknap v. Schild 161 US 10; U.S. v. Lee, 106 US 196; Bivens v. 6 Unknown Agents, 400 US 862; Halperin v. Nixon, (1979) US.

(This lien is not dischargeable for 100 years and cannot be extinguished due to my death whether accidentally or purposely, or by my heirs, assigns or executors.)

\*NOW THEREFORE: If said lien shall be well and truly paid according to its tenor to the lienor or rescinded by the lienor or rescinded by the lienor herein named, then this Title shall be void, otherwise all right, title, interest, use and full control of the herein described property will remain in Full Force and Effect Forever to the lienor named or his her heirs and/or assigns.

TOGETHER with all and singular the building, improvements, ways, woods, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents issues and profits thereof, any of every part and parcel thereof; and also all the estate, allodial rights, title, interest, use possession, property right, claims and demand whatsoever, of the Grantors, in and to the premises herein described, and every part and parcel thereof, with the appurtenances. TO HAVE and TO HOLD all and singular, the premises herein described, together with the appurtenances, unto the Grantees and to Grantees' proper use and benefit forever under the protection of the "Law of the Land", To wit: for Thomas Everette, Jr. in the amount of \$1,000,000,000 in present circulating currency or \$1,000,000,000.00 in gold or silver coin.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the test of the within instrument may require.

Whenever in this instrument any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, personal or legal representatives, successors and assigns" had been appended after each and every such designation

# AUTHORITIES:

It has been held to be wholly immaterial how imperfect or defective the writing may be, considered as a deed; if it is in writing and defines the extend of the claim, it is a sign, semblance or claim of title. SEE Street v. Collier 45 S.E. 294; Mullan's Adm'r v. Carper 16 S.E. 527; that strictly speaking it cannot rest in parol SEE Armijo v. N.M. (Gild:) 57, 13 Pac 92.

IN WITNESS WHEREOF, the Grantees have hereunto set her hands and seals the day and year first above written

Thomas Everette Jr.  
U.C.C.1-20711-103

STATE OF NORTH CAROLINA

COUNTY, Edgecombe

I, Teresa B. Tyson, a notary public for said county and state, do hereby certify

That Thomas Everette, Jr. personally appeared before me this day and

Acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this 6th day of December 2010



Teresa B. Tyson  
Notary Public  
12-31-11

My Commission Expires

... and that the subsequent ad valorem real estate taxes, which the Edgecombe County Tax Collector is charged with collecting, that are a lien on:

Pin No. 4719-14-0387

This is not a certification that this Edgecombe County Tax Department Pin No. matches this Deed description.

Gregory S. ... Date: 12-6-10  
Tax Collector, Tax Assistant

(3)25<sup>00</sup>

plu. Thomas Everette



BOOK 1562 PAGE 0062

Doc ID: 002638650005 Type: CRP  
 Recorded: 12/17/2010 at 03:38:03 PM  
 Fee Amt: \$351.00 Page 1 of 5  
 Revenue Tax: \$350.00  
 EDGECOMBE COUNTY, NORTH CAROLINA  
 Robin V Carpenter Register of Deeds  
 BK 1562 PG 62-66  
 RC

215  
350.  
 Prepared by  
 and Return to:

David W. Green  
 Battle, Winslow, Scott & Wiley, P.A.  
 Post Office Box 7100  
 Rocky Mount, NC 27804

Excise Tax: \$350.00

Tax Parcels: 4719-14-0387.00

NORTH CAROLINA

SUBSTITUTE TRUSTEE'S DEED

EDGECOMBE COUNTY

THIS SUBSTITUTE TRUSTEE'S DEED, made this 17th day of December, 2010, by and between THOMAS W. KING, Substitute Trustee, whose address is Post Office Box 7805, Rocky Mount, North Carolina 27804 (the "Grantor"); and MECHANICS AND FARMERS BANK, a North Carolina banking corporation, whose address is 2634 Durham-Chapel Hill Boulevard, Durham, North Carolina 27707 (the "Grantee").

RECITALS

1. Thomas Everett, Jr. and wife, Tamara Everett (collectively, "Everette") executed and delivered a Deed of Trust to Regina W. Peele, Trustee, for the benefit of Credited Solutions, Inc., Beneficiary, dated March 31, 2006 and recorded March 31, 2006 in Book 1460, Page 476, Edgecombe County Registry (the "Deed of Trust"), securing a Promissory Note of even date in the amount of \$261,000.00 (the "Note").
2. Credited Solutions, Inc. assigned all of its right, title and interest in and to the Note and Deed of Trust to Mutual Community Savings Bank, Inc., SSB by virtue of that certain Assignment dated March 31, 2006 and recorded March 31, 2006 in Book 1460, Page 483, Edgecombe County Registry (the "Assignment").
3. Mutual Community Savings Bank, Inc., SSB substituted Battle, Winslow, Scott & Wiley, P.A. as Trustee in the place of Regina W. Peele by virtue of that certain Substitution of Trustee dated March 29, 2007 and recorded April 3, 2007 in Book 1487, Page 1098, Edgecombe County Registry.

This certifies that there are no delinquent ad valorem real estate taxes, which The Edgecombe County Tax Collector is charged with collecting, that are a lien on:

Pin No. 4719-14-0387.00

This is not a certification that this Edgecombe County Tax Department Pin No. matches this Deed description.

Lisa Warren Date: 12/17/10  
 Tax Collector, Tax Assistant



Book: 1562 Page: 62 Seq: 1

4. Effective March 28, 2008, Mechanics and Farmers Bank became the successor by merger to Mutual Community Savings Bank, Inc., SSB. By virtue of its merger with Mutual Community Savings Bank, Inc., SSB, Mechanics and Farmers Bank (the "Holder") became the owner and holder of the Note and Deed of Trust.

5. Mutual Community Savings Bank, Inc., SSB substituted Thomas W. King as Trustee in place of Battle, Winslow, Scott & Wiley, P.A. by virtue of that certain Substitution of Trustee dated July 18, 2007 and recorded July 23, 2007 in Book 1496, Page 153, Edgecombe County Registry.

6. Everett defaulted in the payment of the indebtedness evidenced by the Note and secured by the Deed of Trust and Grantor was directed by the Holder to foreclose the Deed of Trust and sell the real property (the "Property") described therein.

7. Under and by virtue of the power and authority in it vested by the Deed of Trust and according to the terms and conditions of the same, Grantor instituted a special proceeding before the Clerk of Superior Court of Edgecombe County, File No. 07-SP-185. After due and timely notice was given to all of the parties to the special proceeding, a proper hearing was held during the March 23, 2009 civil session of the Superior Court of Edgecombe County, whereupon the presiding Superior Court Judge entered an order authorizing the Grantor to proceed under the Deed of Trust and sell the Property (the "Order").

8. Pursuant to the Order, the Grantor offered the Property for sale at public auction on February 9, 2010, at 11:00 A.M., at the Edgecombe County Courthouse (the "Sale"). The Holder became the last and highest bidder at the Sale in the amount of \$175,000.00.

9. On February 9, 2010, the Grantor duly reported the sale of the Property to the Clerk of Superior Court of Edgecombe County as required by law.

10. No upset bid was filed with the Clerk of Superior Court of Edgecombe County within the time provided by law.

NOW, THEREFORE, in consideration of the payment of the Purchase Price by the Grantee, the receipt of which is hereby acknowledged, and pursuant to the authority vested in it by the terms of the Deed of Trust, the Grantor does hereby bargain, sell, grant and convey unto the Grantee, its successors and assigns, in fee simple, the Property, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Property, together with all privileges and appurtenances thereunto belonging unto the Grantee, its successors and assigns, in fee simple, in as full and ample manner as the Grantor, is authorized and empowered to convey the same.

The Property is conveyed without any covenant or warranty, express or implied, relating to the title or physical, environmental, health or safety conditions, existing in, on, at or relating to the Property and all responsibilities or liabilities arising out of or in any way relating to any such condition are expressly disclaimed. In addition, the Property is conveyed subject to all superior liens, encumbrances, unpaid taxes, assessments, restrictions and easements of record, if any.



BOOK 1562 PAGE 0064

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized representative the day and year first above written.

GRANTOR:

Thomas W. King  
Thomas W. King, Substitute Trustee

STATE OF NORTH CAROLINA  
COUNTY OF Nash

I, Amy L. Richardson, Notary Public of the aforesaid county and state, do hereby certify that THOMAS W. KING (the "Signatory"), SUBSTITUTE TRUSTEE, personally appeared before me and, by authority duly given, acknowledged the due execution of the foregoing instrument for the purpose stated therein and in the capacity indicated. I have personal knowledge of the Signatory.

Witness my hand and notarial seal, this 17<sup>th</sup> day of December, 2010.

Amy L. Richardson (signature)  
Notary Public

Amy L. Richardson (print/type)  
Notary Public

My commission expires: 01-24-2015

(NOTARY SEAL)

AMY L. RICHARDSON  
NOTARY PUBLIC  
Edgecombe County, NC

Book: 1562 Page: 62 Seq: 3

PARCEL ONE:

Beginning at an iron stake in the southern right-of-way line of U. S. Highway No. 64 leading from Tarboro to Rocky Mount, said stake being located South 89 degrees 15 minutes East 502.06 feet from the intersection of the southern right-of-way line of U. S. Highway No. 64 with the eastern right-of-way line of N. C. State Road No. 1216, running thence along the southern right-of-way line of U. S. Highway No. 64 South 89 degrees 15 minutes East 300 feet to an iron stake, cornering, thence South 0 degrees 40 minutes West 519.69 feet to a concrete monument in the boundary line between Phillips and Clark, cornering, running thence along the boundary line between Phillips and Clark North 61 degrees 06 minutes West 340 feet to an iron stake, cornering, thence North 0 degrees 36 minutes East 359.29 feet to the point of beginning, containing 3 acres, more or less, and being a portion of the woodland of the Hyman Farm.

LESS AND EXCEPT the following described parcel of land:

Beginning at an iron pipe set in the southern right of way line of the 60 foot right of way of U. S. Highway 64, said iron pipe being located 612.06 feet in an easterly direction along said southern right of way line of U. S. Highway 64 from its intersection with the eastern right of way line of State Road 1216, running thence along and with the southern right of way line of U. S. Highway 64 South 89 degrees 15 minutes East 190 feet to an iron pipe set, a corner with the property of H. H. Phillips Jr., running thence along and with the Phillips line South 0 degrees 40 minutes West 519.69 feet to an existing concrete monument, a corner with Phillips and the property of Clifton J. Weeks, Jr., cornering, running thence along and with the Weeks line North 61 degrees 06 minutes West 194.47 feet to an iron pipe set, cornering, running thence North 1 degree 50 minutes West 428.38 feet to the point of beginning, and being a portion of the property conveyed from Henry Hyman Phillips, Jr. et al to James A. Wooten, Jr. and wife, Sandra Byrd Wooten by deed recorded in Book 771, Page 165 of the Edgecombe County Public Registry, to which deed, and the instruments therein referred to, reference is hereby made for further and more particular description.

BOOK 1562 PAGE 0066

PARCEL TWO:

Beginning at an iron stake in the southern right-of-way line of U. S. Highway No. 64 leading from Tarboro to Rocky Mount at the northwestern corner of the property conveyed to James A. Wooten, Jr. and wife, Sandra Byrd Wooten, by Henry Hyman Philips, Jr., et al., by deed recorded in Book 771, Page 165, Edgecombe Public Registry, said stake being located South 89 degrees 15 minutes East 502.06 feet from the intersection of the southern right-of-way line of U. S. Highway No. 64 with the eastern right-of-way line of N. C. State Road 1216, running thence along the Wooten line South 00 degrees 36 minutes West 359.29 feet to an iron stake at the northeastern corner of the property conveyed to Raymond D. Meiggs and wife, Betty H. Meiggs, by Clifton J. Weeks, Jr. and wife by Deed recorded in Book 886, Page 400, Edgecombe Public Registry, cornering, running thence along the line of Meiggs property North 61 degrees 10 minutes West 164.38 feet to an iron stake, cornering; thence North 00 degrees 36 minutes East 141.05 feet to an iron stake in a ditch, thence along the center of said ditch North 20 degrees 13 minutes East 87.10 feet and North 30 degrees 24 minutes East 67.39 feet to an iron stake in the southern right-of-way line of U. S. Highway No. 64, cornering, thence along the southern right-of-way line of U. S. Highway No. 64 South 89 degrees 15 minutes East 82 feet to the point of beginning, and containing 0.98 acre according to survey made by Staton & Associates, Surveyors, and being a portion of the woodland of the Hyman Farm.

Parcel One and Parcel Two being the same property conveyed to Thomas Everette, Jr. and wife, Tamara Everette by deed recorded in Book 1460, Page 472, Edgecombe County Registry.

(5) 31.00

f6: BWSW

Book: 1562 Page: 62 Seq: 5

BOOK 1567 PAGE 0005

Doc ID: 002674450004 Type: CRP  
Recorded: 04/29/2011 at 03:54:43 PM  
Fee Amt: \$438.00 Page 1 of 4  
Revenue Tax: \$410.00  
EDGECOMBE COUNTY, NORTH CAROLINA  
Robin V Carpenter Register of Deeds  
BK 1567 pg 5-8

RC

THIS INSTRUMENT PREPARED BY THOMAS W. KING  
A LICENSED NORTH CAROLINA ATTORNEY  
DELINQUENT TAXES, IF ANY, TO BE PAID BY THE CLOSING  
ATTORNEY TO THE COUNTY TAX COLLECTOR UPON DISBURSEMENT  
OF CLOSING PROCEEDS

R/S  
410.00

Parcel No. 471914038700

SPECIAL WARRANTY DEED

Prepared By Thomas W. King, Attorney at Law  
3202-P Sunset Avenue, P.O. Box 7805, Rocky Mount, NC 27804

NORTH CAROLINA

EDGECOMBE COUNTY

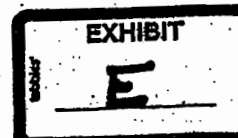
THIS SPECIAL WARRANTY DEED, made this 28th day of April, 2011,  
by MECHANICS AND FARMERS BANK, a North Carolina Corporation, whose  
mailing address is 2634 Durham-Chapel Hill Boulevard, Durham, North  
Carolina 27707, Grantor, to JAMES POOLE, whose mailing address is  
P. O. Box 282, Smyrna, Delaware 19977, Grantee;

W I T N E S S E T H :

That the Grantor in consideration of Ten and No/100 Dollars  
(\$10.00) and other valuable consideration to it paid by the  
Grantee, the receipt of which is hereby acknowledged, has bargained  
and sold, and by these presents does grant, bargain, sell and  
convey unto the Grantee, his heirs, or successors and assigns, in  
fee simple, the following described real estate in Edgecombe  
County, North Carolina:

PARCEL ONE:

BEGINNING at an iron stake in the southern right-of-  
way line of U.S. Highway No. 64 leading from Tarboro to  
Rocky Mount, said stake being located South 89° 15' East  
502.06 feet from the intersection of the southern right-  
of-way line of U. S. Highway No. 64 with the eastern  
right-of-way line of N. C. State Road No. 1216, running



Book: 1567 Page: 5 Seq: 1



thence along the southern right-of-way line of U. S. Highway No. 64 South 89° 15' East 300 feet to an iron stake, cornering; thence South 0° 40' West 519.69 feet to a concrete monument in the boundary line between Philips and Clark, cornering; running thence along the boundary line between Philips and Clark North 61° 06' West 340 feet to an iron stake, cornering; thence North 0° 36' East 359.29 feet to the point of beginning, containing 3 acres, more or less, and being a portion of the woodland of the Hyman Farm.

LESS AND EXCEPT the following described parcel of land:

BEGINNING at an iron pipe set in the southern right-of-way line of the 60 foot right-of-way of U. S. Highway 64, said iron pipe being located 612.06 feet in an easterly direction along said southern right-of-way line of U. S. Highway 64 from its intersection with the eastern right-of-way line of State Road 1216, running thence along and with the southern right-of-way line of U. S. Highway 64 South 89° 15' East 190 feet to an iron pipe set, a corner with the property of H. H. Philips Jr., running thence along and with the Philips line South 0° 40' West 519.69 feet to an existing concrete monument, a corner with Philips and the property of Clifton J. Weeks, Jr., cornering; running thence along and with the Weeks line North 61° 06' West 194.47 feet to an iron pipe set, cornering; running thence North 1° 50' West 428.38 feet to the point of beginning, and being a portion of the property conveyed from Henry Hyman Philips, Jr. et al to James A. Wooten, Jr. and wife, Sandra Byrd Wooten by deed recorded in Book 771, Page 165, of the Edgecombe County Public Registry, to which deed, and the instruments therein referred to, reference is hereby made for further and more particular description.

PARCEL TWO:

BEGINNING at an iron stake in the southern right-of-way line of U. S. Highway No. 64 leading from Tarboro to Rocky Mount at the northwestern corner of the property conveyed to James A. Wooten, Jr. and wife, Sandra Byrd Wooten, by Henry Hyman Philips, Jr., et al by deed recorded in Book 771, Page 165, Edgecombe Public Registry, said stake being located South 89° 15' East 502.06 feet from the intersection of the southern right-of-way line of U. S. Highway No. 64 with the eastern right-of-way line of N. C. State Road 1216, running thence along the Wooten line South 00° 36' West 359.29 feet to an iron stake at the northeastern corner of the property conveyed to Raymond D. Meiggs and wife, Bettye H. Meiggs, by Clifton J. Weeks, Jr. and wife by Deed



recorded in Book 886, Page 400, Edgecombe Public Registry, cornering; running thence along the line of Meiggs property North 61° 10' West 164.38 feet to an iron stake, cornering; thence North 00° 36' East 141.05 feet to an iron stake in a ditch, thence along the center of said ditch North 20° 13' East 87.10 feet and North 30° 24' East 67.39 feet to an iron stake in the southern right-of-way line of U. S. Highway No. 64, cornering; thence along the southern right-of-way line of U. S. Highway No. 64 South 89° 15' East 82 feet to the point of beginning, and containing 0.98 acre according to survey made by Staton & Associates, Surveyors, and being a portion of the woodland of the Hyman Farm.

The above described property is not the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid real estate and all privileges and appurtenances thereunto belonging, to the said Grantee, his heirs, successors and assigns in fee simple forever.

And the Grantor covenants with the Grantee, that the Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exception hereinafter stated.

The plural number as used herein shall equally include the singular. The masculine or feminine gender as used herein shall equally include the neuter.

IN TESTIMONY WHEREOF, the said Grantor has caused this instrument to be signed in its corporate name by its duly authorized officer, all by authority of its Board of Directors, this the day and year first above written.

MECHANICS AND FARMERS BANK

BY: Harold C. Sellers (SEAL)  
 Name: Harold C. Sellers  
 Title: Senior Vice President

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

I, SHELIA L. MCGHEE, a Notary Public, do hereby certify that HAROLD G. SKILARS personally came before me this day and acknowledged that he is the SENIOR VICE President of Mechanics and Farmers Bank, a North Carolina Corporation, and that he as SENIOR VICE President, being authorized to do so, executed the foregoing instrument on behalf of Mechanics and Farmers Bank.

Witness my hand and official stamp or seal, this the 28th day of April, 2011.

*Shelia L. McGhee*  
\_\_\_\_\_, Notary Public of  
Person County, North Carolina

My Commission Expires:

October 30, 2015

(4)2800

File - T.W. King

11-M-218

"This document is a matter of public record"

**Notice - THIS DOCUMENT CONSTITUTES A LIEN AGAINST YOUR PROPERTY, AND IF THE LIEN NOT PAID OR SATIFIED, THOMAS EVERETTE, JR. MAY PRECEDE WITH FORCLOSURE AGAINST YOUR PROPERTY IN LIKE MANNER AS A MORTGAGE UNDER NORTH CAROLINA LAW.**

STATE OF NORTH CAROLINA	)	IN THE GENERAL COURT OF JUSTICE
COUNTY OF EDGEcombe	)	DISTRICT COURT DIVISION
	)	
THOMAS EVERETTE, JR.	)	CLAIM OF LIEN PURSUANT TO
Plaintiff	)	N.C.G.S. 47F-3-116 AND
	)	COMMON LAW LIEN RECORDED IN
Vs.	)	DEED BOOK 1561, PAGE 778-780
	)	EDGEcombe COUNTY REGISTER
JAMES POOLE	)	
Defendant(s).	)	

FILED

2011 NOV 10 AM 9:36

TO: JAMES POOLE	and if different from the property address
5841 US 64 ALT WEST	P.O. BOX 282
TARBORO NC 27886	Smyrna, Delaware 19977

Lien Claimed On: 5841 US 64 ALT WEST TARBORO, NC 27886  
Parcel No .471914038700

THOMAS EVERETTE, JR hereby claims a lien against the above name Defendant and upon property of owner(s) hereinafter fully described pursuant to the Common law lien and applicable laws. In support of the claimant shows as follows:

1. The name and address of the party who is the claimant, gives notice of and files this lien is THOMAS EVERETTE, JR., whose address is Post Box 250 Tarboro NC 27886.
2. The record owners of the real property is James Poole who own such real property, upon which the lien is claimed, located at 5841 US 64 ALT WEST, Tarboro NC 27886 .  
Parcel No: 471914038700
3. The real property upon which the lien is claimed legal description : See attachment (A)
4. The real property claim herein is defined within the Common Law Lien for payment, and imposition of liens for non - payment of lien.
5. The lien is due in the amount of \$ 1,000,000.00 (one million dollars) and has not been paid, Payments thereon have remain unpaid for more than 30 days.



Notice of Fault and Opportunity to Cure  
CERTIFIED MAIL No: 7009 2250 0002 7702 9596

From: THOMAS EVERETTE, JR.  
P.O BOX 250  
TARBORO NC 27886

December 30, 2011

To: JAMES POOLE and if different from the property address  
5841 US 64 ALT WEST P.O.BOX 282  
TARBORO NC 27886 Smyrna, Delaware 19977

Dear Mr. James Poole,

On November 10, 2011 Thomas Everette, Jr. claimant sent to you a letter wherein Thomas Everette, Jr, informed and notify you of CLAIM OF LIEN PURSUANT TO N.C.G.S 47F-3-116 AND COMMON LAW LIEN RECORDED IN DEED BOOK 1561, PAGE 778-780 EDGECOMBE COUNTY REGISTRY

As the Respondent, you are now at fault and you are in agreement and have stipulated to the terms of the undersigned's dated presentment through your dishonor and acquiesces.

We are now given you the opportunity to cure this matter .

Should this matter go into default, said default becomes the bargaining of the parties, i.e., Private Agreement/Contract. You have the right to cure this fault and perform according to said terms within three (3) days (72 hours) from the receipt of this Notice, by certified mail.

Should you fail to cure your fault, this Notice will establish the fact in the record of your acceptance, agreement, general acquiescence and confessed judgment to the matter established upon Respondents silence, your dishonor and default with admission and consent to common law lien upon said property will be established on the Record.

Thank you for your prompt attention to this matter.





7009 2250 0002 7702 9565

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)  
TARBORO NC 27886

Postage	\$ 00.44	0886
Certified Fee	\$2.85	09
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 45.59	12/31/2011

Sent To  
Street, Apt. No., or PO Box No. 5841 US HWY 64 Alt West  
City, State, ZIP+4 TARBORO NC 27886

PS Form 3800, August 2006 See Reverse for Instructions

1. Complete items 1, 2, and 3. Add postage item 4 if Restricted Delivery is desired.  
2. Print your name and address on the reverse so that we can return the item to you.  
3. Attach this card to the back of the mailpiece, or on the front if space permits.  
4. Article addressed to:  
James Poole  
P.O. Box 282  
Smymna, Delaware 19977

2. Article Number (Indicate from serial label) 7009 2250 0002 7702 9565  
PS Form 3811, February 2004 Domestic Return Receipt

7009 2250 0002 7702 9565

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)  
SMYRNA DE 19977

Postage	\$ 00.64	0886
Certified Fee	\$2.85	03
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 45.79	11/10/2011

Sent To  
Street, Apt. No., or PO Box No. James Poole  
PO Box 282  
City, State, ZIP+4 Smyrna, Delaware 19977

PS Form 3800, August 2006 See Reverse for Instructions

EXHIBIT

#

7009 2250 000

Sent To  
Street, Apt. No., or PO Box No. James Poole  
PO Box 282  
City, State, ZIP+4 Smyrna, Delaware 19977

Return Receipt Fee (Endorsement Required)	\$2.30
Restricted Delivery Fee (Endorsement Required)	\$0.80
Total Postage & Fees	\$5.59
12/31/2011	

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)  
TARBORO NC 27886

Postage	\$ 00.64	0886
Certified Fee	\$2.85	03
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 45.79	11/10/2011

Sent To  
Street, Apt. No., or PO Box No. James Poole  
5841 US HWY 64 Alt. W  
City, State, ZIP+4 TARBORO NC 27886

PS Form 3800, August 2006 See Reverse for Instructions